



PATENT  
Attorney Docket 044508-5001-US

#19  
Decl.  
9/26/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Gerald Quinnan et al.** )

Application No. **09/762,261** )

Filed: **29 May 2001** )

For: **Expression and Characterization of HIV-1** )  
**Envelope Protein Associated With a Broadly** )  
**Reactive Neutralizing Antibody Response** )

Group Art Unit: **1648**

Examiner: **Shanon Foley**

**DECLARATION UNDER 37 C.F.R. 1.132**

I, Gerald V. Quinnan, do hereby make the following declaration:

1. I am an inventor in the above-referenced application.

2. I have reviewed the Office Action dated March 11, 2003, in particular the Examiner's comments concerning the protein sequence corresponding to SEQ ID NO: 1 (HIV envelope protein gp 160, R2 strain). I have also reviewed the Sequence Listing filed with the above application on 29 May 2001 and noted an error in this Sequence Listing. Specifically, amino acid 650 which is designated as lysine should be designated as serine.

3. The nucleotide sequence encoding the HIV envelope protein R2 in the region of amino acid 650 was originally sequenced on 21 October 1997 using automated nucleotide sequencing methods. The source of the nucleotide sequence was as disclosed in Quinnan *et al.* (1999) AIDS Res. Hum. Retrovir. 14, 939-949. At that time, amino acid 650 (which corresponds to nucleotides 1950-1952 and is encoded by the codon AAG) was assigned as lysine. The deduced amino acid sequence was included in Provisional Application 60/095,267 (see Table 3) filed on August 4, 1998 to which the instant application claims priority.

4. During subsequent research in my laboratory utilizing this same nucleotide sequence to generate variants of the HIV envelope protein R2, it was determined that the original assignment of amino acid 650 in SEQ ID NO: 1 was incorrectly assigned as lysine and should have been assigned as serine. Upon reviewing the amino acid sequence listed in Table 3 (SEQ ID NO: 1) of the above utility

application on 22 July 2003, I recognized that SEQ ID NO: 1 in this Table had not been updated to correct this error.

5. To investigate this matter further and confirm our finding of 22 July 2003, a sample of the original cDNA encoding the HIV envelope protein R2 was obtained from storage in my laboratory at the Uniformed Services University of the Health Sciences in Bethesda, Maryland. The cDNA was re-sequenced in both directions in this region on 13 August 2003. The repeat nucleotide sequencing confirmed that the correct codon for amino acid 650 is AGC and that the correct amino acid assignment at this position is serine.

6. Based on the above findings, the amino acid sequence of SEQ ID NO: 1 in the as-filed sequence listing and in Table 3 (page 33) of the specification should be corrected to designate amino acid 650 as serine as opposed to lysine.

7. I further declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

9/10/03  
Date

  
Gerald V. Quinnan, Ph.D. M.D.